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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

QM12/0531

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/182,831	10/29/98	027	LAYNO, C	3737 05/31/00
First Named Applicant	GROENKE,	35 USC 154(b) term ext. =		

TITLE OF INVENTION AED WITH FORCE SENSOR

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	1798.105US01	607-006.000	N16 UTILITY	YES	\$605.00	08/31/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Patent and Trademark Office

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/182,831	10/29/98	GROENKE	WC 1798.105US01

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EXAMINER

ART UNIT	PAPER NUMBER
3737	6

DATE MAILED: 05/31/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to PAPER NOS. 4 AND 5
- ☒ The allowed claim(s) is/are ~~11-28~~ 11-28 AND 30-38
- ☐ The drawings filed on _____ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☒ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☒ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 3
- ☒ including changes required by the proposed drawing correction filed on 4/21/00, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

Art Unit: 3737

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment which was received by the Office on April 21, 2000. This document has been made of record in the file as Paper No.5.

2. Claim 29 is canceled. Claims 1-10 are withdrawn from consideration and also canceled. See Examiner's Amendment below.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 21, 2000 have been approved by the Examiner.

Claim Rejections - 35 USC § 112

4. In view of applicant's modifications to the claims, the Examiner is withdrawing the 35 U.S.C 112 rejections which were made against claims 26 and 29-34 in the last Office action.

Claim Rejections - 35 USC § 102 & 103

5. Upon further reconsideration of applicant's amendments to the claim 27, the Examiner is withdrawing the 35 U.S.C 102(b) rejection of Morgan et al '265 and the 35 U.S.C 103 (a)

Art Unit: 3737

rejection of Morgan et al '265 in view of Barakalow et al '114 which were made against claims 27 and 28 in the last Office action.

6. Claims 11-38 are now deemed to be allowable over the prior art of record for the reasons given below in the Examiner's statement of reasons for allowance.

Examiner's Amendment

7. The application has been amended as follows:

-Cancel claims 1-10. These claims pertain to a non-elected species and are being withdrawn as per applicant's request in Paper No.5.

Reasons for Allowance

8. The following is an examiner's statement of reasons for allowance:

Independent claims 27 and 35, as amended, now recite the details of an automatic external defibrillator (AED) comprising a "force sensor" capable of measuring the force and frequency of a rescuer's applied pressure to a patient's chest during cardiopulmonary resuscitation (CPR). References of the prior art fail to show or teach the use of a sensor for measuring the force applied during CPR. Most prior art external defibrillators merely informed the rescuer with audible or written instructions when to perform CPR (Christ et al '449) or paused for a few minutes to permit CPR to take place (Morgan et al '265). Although the Barakalow et al '114 and

Art Unit: 3737

Buckman, Jr. et al '391 patents describe devices which provide pressure and force monitoring, respectively, for CPR in combination with defibrillation, these references fall short of applicant's device in that the Barakalow et al '114 device does not utilize a "force sensor" while Buckman, Jr. et al '391 is not used with an AED. In view of the shortcomings of the prior art, the Examiner deems these claims and their depending claims to be allowable over the prior art of record.

Independent claim 26 describes a general method for performing CPR which encompasses the use of the AED features described in claims 27 and 35 but which also may be performed by any other processor controlled medical device. After conducting a review of the prior art, Examiner could not find any references which show or teach the steps of "sensing a force applied by a rescuer", "sensing an interval" between successive resuscitation attempts, and "comparing the force applied...to a standard of force known to affect resuscitation". Consequently, the Examiner also deems claim 26 to be allowable over the prior art.

Claims 11-25 are allowable for the reasons previously given in Paper No.3.

All remaining claims having been allowed, **formal drawings incorporating the approved drawing corrections are now required.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3737

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (703) 308-3694.

Carl H. Layno

Carl H. Layno
Patent Examiner, AU 3737

CHL
May 30, 2000